



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

September 22, 2020

Mr. Thom Fischer
Electron Hydro, LLC
1800 James Street, Suite 201
Bellingham, Washington 98225

Reference: NWS-2016-350
Electron Hydro, LLC
(Diversion Repair and
Spillway Replacement)

Dear Mr. Fischer:

We have reviewed the information you provided in the Water Quality Monitoring Plan (WQMP) dated September 19, 2020, related to the work performed on your property located in the Puyallup River near Electron, Pierce County, Washington. As previously mentioned in our letter dated August 7, 2020, you are in violation of your permit.

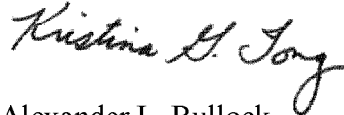
We appreciate your coordination to develop a site stabilization plan and we approve of the immediate implementation of the WQMP dated September 19, 2020. At this time the U.S. Army Corps of Engineers (Corps) does not release the Stop Work Order for any work not described in the September 11, 2020, and September 18, 2020, letters from Pierce County. Any reports or updates submitted to Pierce County should also be copied to the Corps during the allowed construction. While we understand you continue to coordinate with Washington State Department of Fish and Wildlife for an updated Hydraulic Project Approval, we strongly emphasize the need to begin the turf removal phase of the work previously approved in the letters described above before heavy rain/flow occurs.

As mentioned in our September 17, 2020, letter, your work-window extension ends on October 2, 2020, and a request formal work window extension request if needed should be submitted to the Corps no later than September 28, 2020. We strongly encourage you to do everything you can to complete the allowed work, including all turf removal at the site, by October 2, 2020.

Please be reminded that you continue to be out of compliance with Special Conditions "a" and "b" of your Corps permit pertaining to your Endangered Species Act (ESA) Section 7 consultation Biological Opinions with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

Please be reminded this letter is not a permit. We anticipate future ongoing conversations to resume shortly after the work described above is complete regarding continued turf monitoring and removal, restoration and mitigation for impacts that have occurred, and your long term plan at the site and paths for lifting the remaining Stop Work order with a revised permit assessment, including continuing the ESA Section 7 consultation. Failure to cooperate in this matter could also result in the assessment of administrative civil penalties under 33 CFR Part 326 and/or a directive to remove any fill placed under this permit. Please read the enclosure *Clean Water Act Class I Administrative Penalties* for more information. If you have any questions concerning this letter, please contact Ms. Jenae Churchill at jenae.churchill@usace.army.mil or at (206) 764-5527.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristina H. Long". The signature is fluid and cursive, with the first name being the most prominent.

for Alexander L. Bullock
Colonel, Corps of Engineers
District Engineer

Enclosure